

7/27/06

PTO/SB/08 (07/05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/658,515
				Filing Date	September 9, 2003
				First Named Inventor	Mark A. Reiley
				Art Unit	3738
				Examiner Name	David J. Isabella
Sheet	1	Of	1	Attorney Docket Number	29914-701.404

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	145.	US 2004/0049272 A1	03-11-2004	Reiley	
	146.	US 2003/0004572 A1	01-02-2003	Goble et al.	

Examiner Signature	/David Isabella/	Date Considered	7/27/06
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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LIST OF PRIOR ART CITED BY APPLICANT <i>(Use several sheets if necessary)</i> Customer No. 26308	ATTY DOCKET NO. 9448.17205-CIP DIV 4	SERIAL NO. Unknown
	APPLICANT Reiley, Mark A.	
	FILING DATE Unknown	GROUP Unknown

U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
/DI/	6,200,322	03/13/2001	Branch et al.			
	6,132,464	10/17/2000	Martin			
	5,741,261	04/21/1998	Moskovitz et al.			
	5,603,713	02/18/1997	Aust et al.			
	5,577,995	11/26/1996	Walker et al.			
	5,571,191	11/05/1996	Fitz			
	5,507,823	04/16/1996	Walston et al.			
	5,491,882	02/20/1996	Walston et al.			
	5,445,639	08/29/1995	Kuslich et al.			
	5,602,845	11/05/1991	Kuslich et al.			
	5,015,255	05/14/1991	Kuslich			
	5,879,396	03/09/1999	Walston et al.			
	RE 36,758	06/27/2000	Fitz			
/DI/	5,300,073	04/05/1994	Ray et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER /David Isabella/	DATE CONSIDERED 03/18/2007
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PTO/SB/08A (08-03)

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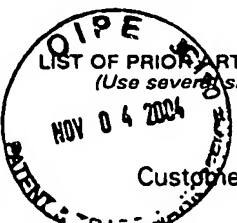
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				First Named Inventor	Reiley
				Art Unit	3738
				Examiner Name	Not yet assigned
Sheet	1	of	1	Attorney Docket Number	29914.701.404

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		Number-Kind Code ² (if known)			
/DI/		US-2001/0012938	08/09/2001	Zucherman et al.	
		US-2001/0020170	09/06/2001	Zucherman et al.	
		US-2002/0029039	03/07/2002	Zucherman et al.	
		US-2002/0151895	10/17/2002	Soboleski et al.	
		US-2004/0116927	06/17/2004	Graf	
		US-2004/0127989	07/01/2004	Dooris et al.	
		US-2004/0143264	07/22/2004	McAfee	
		US-RE 36,221	06/01/1999	Breard et al.	
		US-5,092,866	03/03/1992	Breard et al.	
		US-5,258,031	11/02/1993	Salib et al.	
		US-5,415,661	05/16/1995	Holmes	
		US-5,425,773	06/20/1995	Boyd et al.	
		US-5,527,312	06/18/1996	Ray	
		US-5,562,738	10/08/1996	Boyd et al.	
		US-5,836,948	11/17/1998	Zucherman et al.	
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		US-6,293,949	09/25/2001	Justis et al.	
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		US-6,565,605	05/20/2003	Goble et al.	
		US-6,579,319	06/17/2003	Goble et al.	
		US-6,610,091	08/26/2003	Reiley	
		US-6,669,729	12/30/2003	Chin	
		US-6,761,720	07/13/2004	Senegas	
/DI/		US-6,783,527	08/31/2004	Drewry et al.	

Examiner Signature	/David Isabella/	Date Considered	03/18/2007
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	ATTY DOCKET NO. 9448.17205-CIP DIV 4	SERIAL NO. 10/658,515
	APPLICANT Reiley	
	FILING DATE 9 September 2003	GROUP 3738

U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (if Appropriate)

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
/DI/		WO 96/00049	01/1996	PCT (English abstract)			

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER /David Isabella/	DATE CONSIDERED 03/18/2007
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				Filing Date	09/09/2003
				First Named Inventor	Reiley
				Art Unit	3738
				Examiner Name	Isabella
Sheet	1	of	1	Attorney Docket Number	29914.701.404

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		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
/DI/		IE S970323	06/03/1998	Eskina Developments Limited		
		WO 95/05783 A1	03/02/1995	Martin, Jean-Raymond		X
		WO 98/56301 A1	12/17/1998	Reiley, Mark A. et al.		
		WO 99/05995 A1	02/11/1999	Gordon, Dennis P.		
		WO 99/60957 A1	12/02/1999	Nuvasive, Inc.		
		WO 99/65412 A1	12/23/1999	Pioneer Laboratories, Inc.		
		WO 00/62684 A1	10/26/2000	Nuvasive, Inc.		
		WO 01/97721 A2	12/27/2001	Kyphon Inc.		
		WO 02/089712 A1	11/14/2002	Gerber, David et al.		
/DI/		WO 03/020143 A1	03/13/2003	Synthes		

Examiner Signature	/David Isabella/	Date Considered	03/18/2007
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Substitute for form 1449/P-1

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use as many sheets as necessary)

Sheet 1 of 4

Complete if Known

Application Number	10/658,515
Filing Date	09/09/2003
First Named Inventor	Reiley
Art Unit	3738
Examiner Name	Isabella
Attorney Docket Number	29914.701.404

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		Number-Kind Code ² (if known)			
/DI/		US-2004/0059429	03/25/2004	Amin et al.	
		US-2005/0049705	03/03/2005	Hale et al.	
		US-3,867,728	02/25/1975	Stubstad et al.	
		US-3,875,595	04/08/1975	Froning	
		US-4,349,921	09/21/1982	Kuntz	
		US-4,759,769	07/26/1988	Hedman et al.	
		US-4,772,287	09/20/1988	Ray et al.	
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		US-4,904,260	02/27/1990	Ray et al.	
		US-4,911,718	03/27/1990	Lee et al.	
		US-5,047,055	09/10/1991	Bao et al.	
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		US-5,401,269	03/28/1995	Buttner-Janz et al.	
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		US-5,458,642	10/17/1995	Beer et al.	
		US-5,458,643	10/17/1995	Oka et al.	
		US-5,514,180	05/07/1996	Heggeness et al.	
		US-5,534,028	07/09/1996	Bao et al.	
/DI/		US-5,534,030	07/09/1996	Navarro et al.	

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/DI/		US-5,545,229	08/13/1996	Parsons et al.	
		US-5,556,431	09/17/1996	Buttner-Janz	
		US-5,571,189	11/05/1996	Kuslich	
		US-5,645,597	07/08/1997	Krapiva	
		US-5,653,762	08/05/1997	Pisharodi	
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		US-5,683,464	11/04/1997	Wagner et al.	
		US-5,702,450	12/30/1997	Bisserie	
		US-5,716,415	02/10/1998	Steffee	
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		US-5,824,094	10/20/1998	Serhan et al.	
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		US-5,893,889	04/13/1999	Harrington	
		US-6,001,130	12/14/1999	Bryan et al.	
		US-6,014,588	01/11/2000	Fitz	
		US-6,019,792	02/01/2000	Cauthen	
		US-6,039,763	03/21/2000	Shelokov	
		US-6,063,121	05/16/2000	Xavier et al.	
		US-6,066,325	05/23/2000	Wallace et al.	
		US-6,080,157	06/27/2000	Cathro et al.	
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/DI/		DE 10135771 A1	02/20/2003	Aesculap AG & Co.		X				
		JP 10179622 A2	07/07/1998	Mizuho Ika Kogyo KK		X				
		WO 98/48717 A1	11/05/1998	Taylor, Jean		X				
		WO 99/23963 A1	05/20/1999	Dimso		X				
		WO 00/38582 A1	07/06/2000	Nuvasive, Inc.						
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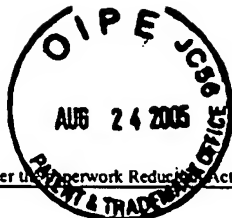
NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
/DI/		GOH, JC et al., "Influence of PLIF cage size on lumbar spine stability", <i>Spine</i> , (January 2000), 25(1) Medline abstract (one page).	
/DI/		HEAD, WC, "Wagner surface replacement arthroplasty of the hip. Analysis of fourteen failures in forty-one hips", <i>J Bone Joint Surg. Am.</i> , (March 1981) 63(3), Medline abstract (one page).	
/DI/		KHOO, LT et al., "A biomechanical analysis of the effects of lumbar fusion on the adjacent vertebral motion segment", Proceedings of the 2000 Annual Meeting of the North American Spine Society, New Orleans.	
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/DI/		LEMAIRE, JP et al., "Intervertebral disc prosthesis: results and prospects for the year 2000", <i>Clinical Orthopaedics and Related Research</i> , No. 337, pp. 64-76.	
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Examiner signature	/David Isabella/	Date Considered	03/18/2007
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				Application Number	10/658,515
				Filing Date	September 9, 2003
				First Named Inventor	Mark A. Reiley
				Art Unit	3738
				Examiner Name	David J. Isabella
Sheet	1	of	1	Attorney Docket Number	29914-701.404

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
/DI/		US-6,712,818	03-30-2004	Michelson	
		US-6,648,891	11-18-2003	Kim	
		US-6,638,281	10-28-2003	Gorek	
		US-6,632,226	10-14-2003	Chan	
		US-6,361,506	03-26-2002	Saenger et al.	
		US-6,302,890	10-16-2001	Leone, Jr.	
		US-6,193,758	02-27-2001	Huebner	
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		US-5,678,317	10-21-1997	Stefanakos	
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		US-5,303,480	04-19-1994	Chek	
		US-5,070,623	12-10-1991	Barnes	
		US-4,987,904	01-29-1991	Wilson	
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		US-2,930,133	03-29-1960	Thompson	
		US-1,308,451	07-01-1919	Schachat	
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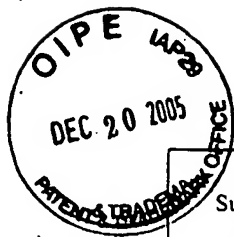
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
/DI/		WO 2004/103227	12-02-2004	Archus Orthopedics, Inc.		

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Attorney Docket No. 29914-701.404



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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Complete if Known

Application Number	10/658,515
Filing Date	September 9, 2003
First Named Inventor	Mark A. Reiley
Art Unit	3738
Examiner Name	David J. Isabella
Attorney Docket Number	29914-701.404

Sheet	1	of	7
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		Number-Kind Code ² (if known)			
/DI/	1	US 4,156,296	05-29-1979	Johnson et al.	
	2	US 4,210,317	07-01-1980	Spann et al.	
	3	US 4,231,121	11-04-1980	Lewis	
	4	US 4,394,370	07-19-1983	Jefferies	
	5	US 4,472,840	09-25-1984	Jefferies	
	6	US 4,611,581	09-16-1986	Steffee	
	7	US 4,805,602	02-21-1989	Puno et al.	
	8	US 4,955,916	09-11-1990	Carignan et al.	
	9	US 5,000,165	03-19-1991	Watanabe	
	10	US 5,015,255	05-14-1991	Kuslich	
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	12	US 5,062,845	11-05-1991	Kuslich et al.	
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	24	US 5,571,191	11-05-1996	Fitz	
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/DI/	26	US 5,658,338	08-19-1997	Tullos et al.	

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				Art Unit	3738
Examiner Name	David J. Isabella				
Sheet	2	of	7	Attorney Docket Number	29914-701.404

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/DI/	27	US 5,575,792	11-19-1996	Errico et al.	
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	49	US 5,947,893	09-07-1999	Agrawal et al.	
	50	US 5,964,760	10-12-1999	Richelsoph	
/DI/	51	US 6,010,503	01-04-2000	Richelsoph et al.	
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				First Named Inventor	Mark A. Reiley	
				Art Unit	3738	
				Examiner Name	David J. Isabella	
Sheet	3	of	7	Attorney Docket Number		29914-701.404

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	54	US 6,074,391	06-13-2000	Metz-Stavenhagen et al.	
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/DI/	107	US 2005/0192589 A1	09-01-2005	Raymond et al.	

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			Application Number	10/658,515	
			Filing Date	September 9, 2003	
			First Named Inventor	Mark A. Reiley	
			Art Unit	3738	
			Examiner Name	David J. Isabella	
Sheet	6	of	7	Attorney Docket Number	29914-701.404

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
/DI/	125	ABRAHAM, D.J. et al. Indications And Trends In Use In Cervical Spinal Fusions. <i>Orthop Clin North Am.</i> October 1998; 29(4):731-44.	
	126	EICHHOLZ, K.M. et al. Complications of Revision Spinal Surgery, <i>Neurosurg Focus.</i> September 15, 2003; 15(3): pp. 1-4.	
	127	FARFAN, H.F. Effects Of Torsion On The Intervertebral Joints. <i>The Canadian Journal of Surgery</i> July 1969; 12(3):336-41.	
	128	FARFAN, H.F. The Pathological Anatomy Of Degenerative Spondylolisthesis. A Cadaver Study. <i>Spine.</i> 1980 Sep-Oct; 5(5):412-8.	
	129	FARFAN, H.F. et al. The Relation Of Facet Orientation To Intervertebral Disc Failure. <i>The Canadian Journal of Surgery</i> April 1967; 10(2):179-85.	
	130	FOSBINDER, R.A. et al. Essentials of Radiologic Science. The McGraw-Hill Companies; 2002.	
	131	GUYER, R. et al. Impliant: Motion Preservation through Total Posterior-Element Replacement. May 7, 2004 Presentation held at Hofburg Center, Vienna, Austria, (2 pages).	
	132	KIRKALDY-WILLIS, W.H. et al. Pathology And Pathogenesis Of Lumbar Spondylosis And Stenosis. <i>Spine.</i> Dec. 1978; 3(4):319-28.	
	133	KULKARNI, et al. Accelerated Spondylotic Changes Adjacent to the Fused Segment Following Central Cervical Corpectomy: Magnetic Resonance Imaging Study Evidence. <i>J. Neurosurg (Spine 1).</i> 2004; 100: 2-6.	
	134	LAM, K. N., et al. <i>X-ray Diagnosis: A Physician's Approach.</i> Springer-Verlag; 1998.	
/DI/	135	LOMBARDI, J.S. et al. Treatment Of Degenerative Spondylolisthesis. <i>Spine.</i> 1985; 10(9): 821-7.	

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/DI/	136	MCMILLIN, C. R. et al. Artificial Spinal Discs with up to Five Years Follow-up. <i>20th Annual Meeting of the Society for Biomaterials</i> (Abstract) 1994; Page 89.	
	137	POSNER, I. et al. A Biomechanical Analysis of the Clinical Stability of the Lumbar and Lumbosacral Spine. <i>Spine</i> . 1982; 7(4): 374-389.	
	138	ROSENBERG, N.J. Degenerative Spondylolisthesis. Predisposing Factors. <i>The Journal of Bone and Joint Surgery</i> . 1975; 57-A(4): 467-74.	
	139	SACHER, R., Impliant Brochure for presentation at MedTech Insight Conference (October 31, 2003) Boston, MA. pp. 93-94.	
	140	SLONE, R. M. et al. <i>Body CT: A Practical Approach</i> . The McGraw-Hill Companies; 1999.	
	141	STOUT, G. H. et al. <i>X-Ray Structure Determination: A Practical Guide</i> . 2nd Edition. John Wiley & Sons; 1989.	
	142	SZPALSKI, M., et al. Spine Arthroplasty: A Historical Review. <i>Eur Spine J</i> . 2002; 11(Suppl. 2): S65-S84.	
	143	UCR Pedicle Screw System from SeaSpine (information available at http://www.seaspine.com/UCR_Pedicle_Screw_System.html). Accessed December 5, 2005.	
/DI/	144	Victrex of Lancashire, Great Britain. (information on Victrex available at http://www.matweb.com). Accessed December 5, 2005.	

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